

REMARKS

I. Introduction

With the cancellation of claim 13, without prejudice herein, claims 10 to 12 and 14 to 22 are pending in the present application. In view of the preceding amendments and following remarks, it is respectfully submitted that claims 10 to 12 and 14 to 22 are allowable, and reconsideration is respectfully requested.

II. Rejection of Claims 10 to 22 Under 35 U.S.C. § 102(b)

Claims 10 to 22 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,144,667 ("Pogue, Jr. et al."). Applicant respectfully submits that Pogue, Jr. et al. do not anticipate claims 10 to 22 for the following reasons.

Claim 10 relates to a method for assigning a remote control operation to a base station. Claim 10 recites the steps of determining a randomized activation signal for an assignment, causing the base station to transmit a search signal after the determining step, and returning a contact signal from the remote control operation in response to an agreement of the search signal with a stored reference signal. Claim 10 also recites the step of causing the base station to subsequently transmit the activation signal in response to the assignment, the activation signal being capable of verifying a matching to the remote control operation. Claim 10 has been amended herein without prejudice to recite the steps of receiving the activation signal by the remote control operation, preparing and transmitting a response by the remote control operation, receiving the response from the remote control operation and evaluating the response to determine if the response agrees with a predetermined setpoint response, and determining a different activation signal, the different activation signal being determined when the response signal sent by the remote control operation in response to the activation signal does not agree with a predetermined setpoint response signal in the base station. Claim 10 has also been amended herein without prejudice to recite that a period of time of the determining of the different activation signal is varied among successive determining step iterations. Support for the amendment to claim 10 may be found, for example, in the specification page 6, lines 13 to 29 and page 7, lines 15 to 24.

Pogue, Jr. et al. describes three separate operating modes, an initialization mode, an ID mode and an authentication mode. During all of these separate operating modes, Pogue, Jr. et al. do not disclose or suggest the step of

determining a different activation signal, the different activation signal being determined when a response signal sent by the remote control operation in response to the activation signal does not agree with a predetermined setpoint response signal in the base station, or that a period of time of the determining of the different activation signal is varied among successive determining step iterations.

During the Pogue, Jr. et al. initialization mode, a random seed A is transmitted from a base unit to a remote unit. Col. 4, line 40 to 45. Thereafter, the remote unit derives exponents from the seed while the base selects a separate exponent. The remote unit and the base unit then calculate different remainder values and transmit only these remainder values to each other. Col. 4, line 45 to 48. Both the remote unit and the base unit then calculate a value P by combining locally derived remainders and transmitted remainder values. The base unit then stores the P value from the remote unit which transmits an encrypted value P using a secret key S. Col. 4, line 49 to 52. During the initialization mode, therefore, there is no step of determining a different activation signal, the different activation signal being determined when a response signal sent by the remote control operation in response to the activation signal does not agree with a predetermined setpoint response signal in the base station, wherein a period of time of the determining of the different activation signal is varied among successive determining step iterations. Pogue, Jr. et al. are silent with regard to varying periods of time.

After initialization, Pogue, Jr. et al. provide an ID mode. Col. 3, lines 11 to 25. The ID mode transmits signals from the base unit that are stored corresponding to the various remote unit during the initialization mode. The ID mode is activated when a remote unit enters the radio range of the base unit and the base unit detects the remote unit. If an ID signal matches the ID of a particular remote unit that has previously been stored, then an authentication mode is entered. Pogue, Jr. et al. do not disclose or even suggest the step determining a different activation signal, the other activation signal being determined when a response signal sent by the remote control operation in response to the activation signal does not agree with a predetermined setpoint response signal in the base station, in which a period of time of the determining of the different activation signal is varied among successive determining step iterations. The Pogue, Jr. et al. ID mode is silent with regard to varying periods of time for differing activation signals.

The authentication mode, as provided in Pogue, Jr. et al. Figure 4, also lacks any disclosure or suggestion of a step for determining a different activation signal, the other activation signal being determined when a response signal sent by the remote control operation in response to the activation signal does not agree with a predetermined setpoint response signal in the base station, wherein a period of time of the determining of the different activation signal is varied among successive determining step iterations. Pogue, Jr. et al. provide a base unit which transmits an ID number which is compared with an ID number to an internal ID number in the remote unit. If a match is found, then the remote unit sends a reply. The base unit and the remote unit both respond in regular time intervals. There is no disclosure or discussion of varying time periods for determining different activation signals.

Claim 16 relates to a base station. Claim 16 recites a transmitting/receiving device for transmitting a search signal and an activation signal capable of being changed, and for receiving a contact signal and a response signal from remote control operations. Claim 16 further recites an arrangement for performing one of a causing and an evaluating of each signal received by the transmitting/receiving device, wherein the arrangement for performing one of the causing and the evaluating determines the activation signal before a transmission of the search signal from the base station occurs, and the arrangement for performing one of the causing and the evaluating only recalls the activation signal for an assignment. Claim 16 further recites a non-volatile memory unit for storing fixed and changeable assignment information, the non-volatile memory unit assigning at least one of the remote control operations to the base station and making possible a test for matching. Claim 16 has been amended herein without prejudice to recite that the arrangement is configured to vary a period of time to determine an activation signal during successive iterations. Support for the amendment to claim 16 may be found, for example, in the specification page 6, lines 13 to 29 and page 7, lines 15 to 24.

Claim 18 relates to a system. Claim 18 recites a base station which includes a first transmitting/receiving device for transmitting a search signal and an activation signal capable of being changed, and for receiving a contact signal and a response signal from remote control operations, a first arrangement for performing one of a causing and an evaluating of each signal received by the transmitting/receiving device, wherein the arrangement for performing one of the causing and the evaluating determines the activation signal before a transmission of

the search signal from the base station occurs. Claim 18 further recites that the arrangement for performing one of the causing and the evaluating only recalls the activation signal for an assignment. Claim 18 further recites a first non-volatile memory unit for storing fixed and changeable assignment information, the non-volatile memory unit assigning at least one of the remote control operations to the base station and making possible a test for matching. Claim 18 still further recites a second transmitting/receiving device for receiving the search signal and the activation signal, and for transmitting the contact signal and the response signal, a second arrangement for performing one of an evaluating and a transmitting of signals received, and a second non-volatile memory unit for storing another set of assignment information and for assigning at least one of the remote control operations to the base station. Claim 18 has been amended herein without prejudice to recite that the arrangement is configured to vary a period of time to determine an activation signal during successive iterations. Support for the amendment to claim 18 may be found, for example, in the specification page 6, lines 13 to 29 and page 7, lines 15 to 24.

Both claims 16 and 18 recite an arrangement which is configured to vary a period of time to determine an activation signal during successive iterations. As provided above, Pogue, Jr. et al. do not provide a method step of determining a different activation signal, the different activation signal being determined when a response signal sent by the remote control operation in response to the activation signal does not agree with a predetermined setpoint response signal in the base station, in which a period of time of the determining of the different activation signal is varied among successive determining step iterations. Pogue, Jr. et al. furthermore do not provide any arrangement which provides for performing this step.

It is "well settled that the burden of establishing a prima facie case of anticipation resides with the [United States] Patent and Trademark Office." Ex parte Skinner, 2 U.S.P.Q.2d 1788, 1788 to 1789 (Bd. Pat. App. & Inter. 1986) (citing In re Piasecki, 745 F.2d 1468, 1472, 223 U.S.P.Q. 785, 788 (Fed. Cir. 1984)). To anticipate a claim, each and every element as set forth in the claim must be found in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of Calif., 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920

(Fed. Cir. 1989). That is, the prior art must describe the elements arranged as required by the claims. In re Bond, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). As more fully set forth above, it is respectfully submitted that Pogue, Jr. et al. do not disclose, or even suggest, all of the limitations of claims 10, 16 and 18. It is therefore respectfully submitted that Pogue, Jr. et al. do not anticipate claims 10, 16 and 18.

Claim 13 has been cancelled, without prejudice, thereby rendering the present rejection moot with respect to claim 13.

As for claims 11, 12, 14, 15 and 19 to 22, which ultimately depend from claim 10 and therefore include all of the limitations of claim 10, it is respectfully submitted that Pogue, Jr. et al. do not anticipate these dependent claims for at least the same reasons given above in support of the patentability of claim 10.

As for claim 17, which depends from claim 16 and therefore includes all of the limitations of claim 16, it is respectfully submitted that Pogue, Jr. et al. do not anticipate dependent claim 17 for at least the same reasons given above in support of the patentability of claim 16.

In view of all of the foregoing, it is respectfully submitted that this rejection has been obviated, and withdrawal of this rejection is respectfully requested.

III. Conclusion

It is respectfully submitted that all pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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